

REMARKS/ARGUMENTS

Support for each amended claim is found at the originally filed claims and throughout the originally filed specification.

No new matter is believed to have been added.

The objection to Claims 1 and 10 is believed to be obviated by the amendment of these claims. Withdrawal of the objection is respectfully requested.

The obviousness rejection of Claims 1-8 and 11-17 as being unpatentable in view of Brach, Tamura, and Paidi is respectfully traversed because there is no motivation to combine the references as the Office has attempted to do, because Tamura “teaches away from” combining the references as the Office has attempted, and because the Office has relied on impermissible hindsight in combining the references.

Brach is drawn to a process for preparing metal-free phthalocyanines by, for example, heating phthalonitrile and ammonia in an organic solvent (see, for example, Method A, page 1404, of Brach). Brach’s process was applied to unsubstituted phthalonitriles and phthalonitriles with small substituents (see, Table II, page 1404, of Brach).

Tamura describes a process for preparing metal-free phthalocyanines by heating:

a) phthalonitrile, b) an alkali metal or an alkali metal compound, c) a hydrogen donor compound, and d) an organic solvent, to obtain a partially hydrogenated alkali metal phthalocyanine, which is then subsequently e) brought into contact with a dealkalizing agent (see, for example, the Abstract of Tamura).

Component e), the dealkalizing agent, is a necessary component in the process of Tamura and thus, may not be dispensed with in order to obtain Tamura’s metal free phthalocyanine (see, for example, page 8, lines 4-6, of Tamura).

Thus, a person of ordinary skill in the art would understand that Tamura requires the combination of components a), b), c), d) and e) if metal-free phthalocyanines are to be obtained. Accordingly, if Tamura were combined with Brach, Applicants submit that all required elements of Tamura must be combined with Brach, as opposed to merely selecting individual components such as Tamura's component b). Put another way, there would be no reason why one of ordinary skill in the art would be motivated to combine Brach and Tamura by disregard the teaching of Tamura through dispensing with the dealkalizing agent e), while still including some form of specific hydrogen compound c) and alkali metal source b) into Brach's process, because Tamura "teaches away from" doing this. Applicants respectfully submit that the Office's combining of Brach and Tamura is based on impermissible hindsight.

The disclosure of Paidi does not remedy the deficiency of the Office's attempt to combine Brach and Tamura. Withdrawal of the obviousness rejection is respectfully requested.

Further, Applicants submit it is well known to a person of ordinary skill in the art that the synthesis of metal-free phthalocyanines is often different from the synthesis of metal containing phthalocyanines. Paidi, for example, is concerned with ruthenium phthalocyanines. Tamura is concerned with metal-free phthalocyanines. Thus, any attempt to combine the teaching of Paidi and Tamura is problematic. Withdrawal of the obviousness rejection is respectfully requested.

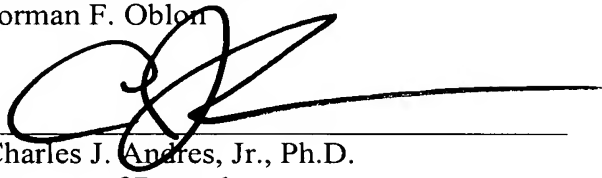
The obviousness rejection of Claims 9-10 as being unpatentable in view of Brach, Tamura, Paidi, and Rintelman is respectfully traversed. As described above, there is no motivation to combine the references as the Office has attempted to do, Tamura "teaches away from" combining the references as the Office has attempted, and the Office has relied on impermissible hindsight in combining the references. Rintelman does

not remedy any of these deficiencies. Withdrawal of the obviousness rejection is respectfully requested.

Applicants submit the present application is now in condition for allowance. Early notification to this effect is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.  
Norman F. Oblon

A handwritten signature in black ink, appearing to be 'Charles J. Andres, Jr.', written over a horizontal line.

Charles J. Andres, Jr., Ph.D.  
Attorney of Record  
Registration No. 57,537

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 08/07)